

UNITED STATES BANKRUPTCY COURT District of New Jersey
Albert Russo Cn 4853 Trenton, NJ 08650 (609) 587-6888 Standing Chapter 13 Trustee
In re: James E. Lamontagne Kimberly M. Lamontagne Debtor(s)



Order Filed on October 24, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 17-22921 / MBK

Hearing Date: 10/23/2019

Judge: Michael B. Kaplan

Chapter: 13

ORDER CONFIRMING MODIFIED CHAPTER 13 PLAN

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: October 24, 2019


Honorable Michael B. Kaplan
United States Bankruptcy Judge

The modified plan of the debtor having been proposed to creditors, and a hearing having been held on the confirmation of such modified plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

ORDERED that the modified plan of the above named debtor, dated 08/12/2019, or the last amended plan of the debtor be and it is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the debtor.

ORDERED that the plan of the debtor is confirmed to pay the Standing Trustee for a period of 60 months.

ORDERED that the debtor shall pay the Standing Trustee, Albert Russo, based upon the following schedule, which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586:

\$8,760.00 PAID TO DATE

\$445.00 for 32 months beginning 11/01/2019

ORDERED that the case is confirmed with a calculated plan funding of \$23,000.00. General unsecured creditors are scheduled to receive a pro-rata dividend of funds available.

ORDERED that the Standing Trustee shall be authorized to submit, ex-parte, an Amended Confirming Order, if required, subsequent to the passage of the claims bar date(s) provided under Fed. R. Bank. P. 3002.

ORDERED that the debtor's attorney be and hereby is allowed a fee pursuant to the filed 2016(b) Statement. Any unpaid balance of the allowed fee shall be paid to said attorney through the Chapter 13 plan by the Standing Trustee.

ORDERED that if the debtor should fail to make plan payments or fail to comply with other plan provisions for a period of more than 30 days, the Standing Trustee may file, with the Court and serve upon the Debtor and Debtor's Counsel, a Certification of Non-Receipt of Payment and request that the debtor's case be dismissed. The debtor shall have fourteen (14) days within which to file with the Court and serve upon the Trustee a written objection to such Certification.

ORDERED that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any lien discharged.

ORDERED that the Standing Trustee is authorized to pay post-petition claims filed pursuant to 11 U.S.C. § 1305(a), in the amount filed by the post-petition claimant.

ORDERED that section(s) 4(d) and 7(b) is stricken from the Chapter 13 Plan.

ORDERED that if the debtor has provided for a creditor to be paid in the plan and no Proof of Claim is filed by such creditor before expiration of the applicable bar date, the debtor, pursuant to F.R.B.P. 3004, must file a Proof of Claim on behalf of the creditor within 30 days of the expiration of the applicable bar date. If the time period pursuant to F.R.B.P. 3004 has expired, the debtor must file a Proof of Claim on behalf of the creditor **and** file a motion to allow the Trustee to pay the late filed claim, or the debtor may obtain a Consent Order with the creditor authorizing the Trustee to pay an amount certain in the plan.

ORDERED that, notwithstanding the order of distribution set forth in the plan, the Trustee disbursements shall be made pursuant to the following order of distribution: administrative claims, secured claims, priority claims, general unsecured claims.

ORDERED as follows:

Order to be submitted to surrender and set the general unsecured creditor amount for Quantum3 Group as Agent For Aqua Finance, court claim #9-1, shall be filed within thirty days of the October 23, 2019 Modified Plan confirmation.

M&T Bank, court claim #6-1, pre-petition arrears shall be paid through the Chapter 13 Plan.

Wells Fargo Auto Finance, court claim #4-1, shall be paid in full in the amount of \$6,832.20 through the Chapter 13 Plan.

Order Confirming Chapter 13 Plan

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Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
James E. Lamontagne
Kimberly M. Lamontagne
Debtors

Case No. 17-22921-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 24, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 26, 2019.

db/jdb +James E. Lamontagne, Kimberly M. Lamontagne, 33 Norwood Lane, Willingboro, NJ 08046-1331

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 26, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 24, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Brian C. Nicholas on behalf of Creditor M&T BANK bnicholas@kmlawgroup.com,
bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Fred R. Braverman on behalf of Debtor James E. Lamontagne bravelaw@comcast.net
Fred R. Braverman on behalf of Joint Debtor Kimberly M. Lamontagne bravelaw@comcast.net
John R. Morton, Jr. on behalf of Creditor Quantum3 Group, LLC ecfmil@mortoncraig.com,
mortoncraigecf@gmail.com
Rebecca Ann Solarz on behalf of Creditor M&T BANK rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9